

Domingo, David

From: Mayor Johnson <mayorjohnson@driggsidaho.org>
Sent: Tuesday, December 05, 2017 2:36 PM
To: Domingo, David
Cc: Steve Zollinger; Thurmon, Clarke
Subject: Re: CAFO and AOC for City of Driggs, ID

Thank you David.

By the way, I've had a local reporter ask why only the CAFO is posted for public comment. They would like to see the Compliance Order on Consent as well, since that is where the detail of compliance within required time is contained. Since you didn't post that I am not sure if it is public record or not.

Please let me know if we can provide that to those who inquire.

Mayor Hyrum Johnson,

City of Driggs

60 South Main Street
Driggs, Idaho 83422
www.DriggsIdaho.org
facebook.com/DriggsIdaho

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On Tue, Dec 5, 2017 at 3:22 PM, Domingo, David <Domingo.David@epa.gov> wrote:

Mayor Johnson,

We received the signed CAFO and compliance order yesterday.

Thank you.

David

From: Domingo, David
Sent: Thursday, November 30, 2017 11:19 AM
To: 'Mayor Johnson' <mayorjohnson@driggsidaho.org>
Cc: Steve Zollinger <stephenz@rexburg.org>; Thurmon, Clarke <Thurmon.Clarke@epa.gov>
Subject: RE: CAFO and AOC for City of Driggs, ID

Mayor Johnson,

Public notice for the CAFO (Driggs, ID) posted today. The public comment period will be for 30 days and we wait an additional 10 days in case comments are sent via the US Post Office.

<https://www.epa.gov/publicnotices/proposed-settlement-city-driggs-clean-water-act-violations>

David Domingo

U.S. EPA Region 10

Office of Compliance and Enforcement, Ground Water Unit

[1200 Sixth Ave., Suite 900](#), OCE-101

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domingo.david@epa.gov

From: Mayor Johnson [<mailto:mayorjohnson@driggsidaho.org>]

Sent: Wednesday, November 29, 2017 2:34 PM

To: Domingo, David <Domingo.David@epa.gov>

Cc: Steve Zollinger <stephenz@rexburg.org>; Thurmon, Clarke <Thurmon.Clarke@epa.gov>

Subject: Re: CAFO and AOC for City of Driggs, ID

David, the documents were mailed today. Post Office said they should arrive Monday.

Best,

Mayor Hyrum Johnson,

City of Driggs

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On Wed, Nov 29, 2017 at 1:49 PM, Domingo, David <Domingo.David@epa.gov> wrote:

Mayor Johnson,

The City should sign only one hardcopy of the CAFO and one hardcopy of the compliance order. The two documents can then be sent to the address in my signature block listed below.

Thank you.

David

From: Mayor Johnson [mailto:mayorjohnson@driggsidaho.org]

Sent: Wednesday, November 29, 2017 10:58 AM

To: Domingo, David <Domingo.David@epa.gov>

Cc: Steve Zollinger <stephenz@rexburg.org>; Thurmon, Clarke <Thurmon.Clarke@epa.gov>

Subject: Re: CAFO and AOC for City of Driggs, ID

David, I presume I should send you two signed copies of each document so that EPA and City of Driggs may each receive an original signed copy. Should they be mailed to the address in your signature block? Please confirm on both items.

David Domingo

U.S. EPA Region 10

Office of Compliance and Enforcement, Ground Water Unit

[1200 Sixth Ave., Suite 900](#), OCE-101

Seattle, WA 98101

Best,

Mayor Hyrum Johnson,

City of Driggs

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On Tue, Nov 28, 2017 at 5:00 PM, Domingo, David <Domingo.David@epa.gov> wrote:

Mayor Johnson,

Please find attached the CAFO and compliance order. The date on the last page of the CAFO where the Regional Judicial Officer signs was changed from "2017" to "2018". The compliance order had three minor edits (typographical errors) compared to the version sent to you on October 16th. Paragraphs 3.4, 3.5 and 3.6 were revised (i.e. "Within...months of the of the effective date...").

Please print out the documents, sign and date (preferably in blue ink) and mail the originals to me (see address below). You can also email me when the documents are in the mail so that I can alert EPA's mail room and administrative staff.

For the CAFO, we will start the 30-day public comment period within the week and I will send you an email with the link to the public notice on EPA's website.

Please don't hesitate to contact me if you have any questions.

Thank you.

David

David Domingo

U.S. EPA Region 10

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domingo.david@epa.gov

From: Mayor Johnson [mailto:mayorjohnson@driggsidaho.org]

Sent: Thursday, November 09, 2017 5:06 PM

To: Domingo, David <Domingo.David@epa.gov>

Cc: Jay Mazalewski <jmaz@driggsidaho.org>; Steve Zollinger <stephenz@rexburg.org>; Thurmon, Clarke <Thurmon.Clarke@epa.gov>

Subject: Re: CAFO and AOC for City of Driggs, ID

Thanks David. I'll watch for your pending email. Please be sure to include return instructions (mail/courier/email etc.)

Mayor Hyrum Johnson,

City of Driggs

[60 South Main Street](#)

[Driggs, Idaho 83422](#)

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On Wed, Nov 8, 2017 at 12:46 PM, Domingo, David <Domingo.David@epa.gov> wrote:

Mayor Johnson,

A quick update on the status of the documents: a docket number has been assigned to each document and they are routing for internal concurrence through my office and Office of Regional Counsel. Once my director has concurred on the documents, I'll email the pdf copies for your signature. At the same time, we'll begin the 30-day public notice for the CAFO.

David

From: Mayor Johnson [mailto:mayorjohnson@driggsidaho.org]

Sent: Monday, October 23, 2017 7:34 AM

To: Domingo, David <Domingo.David@epa.gov>

Cc: Jay Mazalewski <jmaz@driggsidaho.org>; Steve Zollinger <stephenz@rexburg.org>; Thurmon, Clarke <Thurmon.Clarke@epa.gov>

Subject: Re: CAFO and AOC for City of Driggs, ID

Thank you David. I'll watch for the PDF.

Regards,

Mayor Hyrum Johnson,

City of Driggs

[60 South Main Street](#)

[Driggs, Idaho 83422](#)

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On Sun, Oct 22, 2017 at 8:44 PM, Domingo, David <Domingo.David@epa.gov> wrote:

Mayor Johnson,

Thank you for the update. I'll begin processing the final documents tomorrow and we'll notify you as soon as they are ready for your signature. To expedite the process, EPA typically emails a pdf version of the documents so I'll work with Clarke to see if he prefers to send them to Steve or if it's okay for me to send them directly to you.

If you have any questions, please don't hesitate to contact us.

David

From: Mayor Johnson [mailto:mayorjohnson@driggsidaho.org]

Sent: Wednesday, October 18, 2017 12:50 PM

To: Domingo, David <Domingo.David@epa.gov>

Cc: Jay Mazalewski <jmaz@driggsidaho.org>; Steve Zollinger <stephenz@rexburg.org>; Thurmon, Clarke <Thurmon.Clarke@epa.gov>

Subject: Re: CAFO and AOC for City of Driggs, ID

David et al,

For your information the City Council approved the CAFO and Compliance Order as submitted.

They also formally authorized the issuance of the penalty payment, so there should be no delay on issuing that once it becomes due.

I guess the ball is in your court now. Let me know if/when you need signatures on a hard copy.

Thanks David. You've been great to work with.

Mayor Hyrum Johnson,

City of Driggs

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On Tue, Oct 17, 2017 at 1:22 PM, Domingo, David <Domingo.David@epa.gov> wrote:

Mayor Johnson,

We've not found a copy of the most recent version of the CAFO sent from Chris to Steve Z.

Steve,

Can you forward the October 12, 2017 email from Chris to the group containing the revised CAFO?

Thank you.

David

From: Mayor Johnson [mailto:mayorjohnson@driggsidaho.org]

Sent: Tuesday, October 17, 2017 12:03 PM

To: Domingo, David <Domingo.David@epa.gov>

Cc: Jay Mazalewski <jmaz@driggsidaho.org>; Steve Zollinger <stephenz@rexburg.org>; Thurmon, Clarke <Thurmon.Clarke@epa.gov>

Subject: Re: CAFO and AOC for City of Driggs, ID

David, I only see the Compliance Order attached. Can you either send me the CAFO, or direct me to a previous email where it may have been delivered?

Mayor Hyrum Johnson,

City of Driggs

[60 South Main Street](#)

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On Mon, Oct 16, 2017 at 5:30 PM, Domingo, David <Domingo.David@epa.gov> wrote:

Gentlemen,

Since Chris is on his leave of absence and your meeting with the City Council is tomorrow, I just spoke with Jay to clarify the proposed change to the compliance order. The change to Paragraph 3.5 from 18 to 24 months is acceptable given this will provide two construction seasons if necessary to complete any upgrades to the facility. As I explained to Jay, there are two documents (CAFO and compliance order) related to this situation that require different administrative processes. In these situations, we typically have both documents become effective at approximately the same time. For the CAFO, there is a 30-day public comment period before the Director can sign the document. Therefore, we'll present both the CAFO and the compliance order at the same time for my office director to sign. Consequently, the compliance order will not go into effect until 2-3 months from now if the City agrees tomorrow to both documents.

I've attached the revised draft compliance order with the new time period in Paragraph 3.5.

As I mentioned to Jay, if the City agrees to both the CAFO and compliance order, please send Clarke and myself an email confirming your agreement. Once I receive the email, I can begin the process of routing the documents for concurrence internally and email a copy for signature to you.

If you have any questions, please don't hesitate to contact me or Clarke (contact information listed below).

Thank you for your participation and assistance during these discussions. It's greatly appreciated.

David

David Domingo

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Clarke Thurmon

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Thurmon.Clarke@EPA.gov

From: Bellovary, Chris

Sent: Thursday, October 12, 2017 9:40 AM

To: 'Stephen Zollinger' <Stephen.Zollinger@rexburg.org>

Cc: Thurmon, Clarke <Thurmon.Clarke@epa.gov>

Subject: POTW: draft consent agreement for resolving violations of City of Driggs NPDES permit (with attachment)

Confidential - Rule 408 Settlement Communication

Good morning Mr. Zollinger,

Please find attached to this email a copy of the draft Consent Agreement, which we discussed earlier this morning. I added the amount of the Assessed Penalty (\$13,500) and expanded the docket number (from CWA-10-201X-XXXX to CWA-10-2018-0XXX). The consent agreement is otherwise unchanged from the one that was sent on August 16. The full docket number will be assigned after the city council meeting, assuming the council finds the proposed Consent Agreement and Compliance Order on Consent to be acceptable.

I will speak with David about your proposed change to the Compliance Order on Consent. If EPA agrees with your proposed change, I will send a revised draft.

Thank you, Stephen, and please extend my thanks to Mayor Johnson and Mr. Mazalewski.

Sincerely,

Chris Bellovary

Chris Bellovary
U.S. EPA - Region 10
Assistant Regional Counsel
Direct Line: 206-553-2723

